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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/704,896
Filing Date: November 02, 2000
Appellant(s): HAYTON ET AL.

John D. Lanza
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/27/2006 appealing from the Office action mailed 02/24/2006

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US005983227A	Nazem et al.	filed 06/12/1997
US006311187 B1	Jeyaraman	filed 12/29/1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-11, 13-15 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nazem et al US005983227A - filed 06/12/1997 (hereinafter Nazem), in view of Jeyaraman US Patent No. 6,311,187 B1 - filed 12/29/1998 (hereinafter Jeyaraman).

Regarding independent claim 1, Nazem teaches **receiving, at the client, a transmitted page comprising a plurality of dynamic portion.** Specifically Nazem discloses dynamic page generator, wherein the user front page retuned by page server includes plurality of elements which are build according to a user template and live data. A user template is specific module and that is customized and reusable set by user such as, stock quote module weather module, news module and so on, wherein the live data being stored in a shared memory and intelligently flushed the older cache and regenerate for displaying the most recent information to the appropriate portion and/or module with correct time and date for particular user (Nazem, col. 5, line 50 through col. 6, line 21, Fig. 5).

Additionally Nazem teaches **displaying the transmitted page on the client.** For example Nazem discloses a custom news page and displaying on a browser item102, which obtains the page from a page server item 104 via Internet item106 (Nazem, col. 2, lines 50-55, Fig. 1).

Furthermore Nazem teaches **receiving by the client.** For example Nazem discloses a custom news page and displaying on a browser item102, which obtains the page from a page server item 104 via Internet item106 (Nazem, col. 2, lines 50-55, Fig. 1). Additionally Nazem teaches **a modified version of one of the dynamic portion of the page.** For example Nazem discloses dynamic page generator, wherein the user front page retuned by page server includes plurality of elements which are build according to a user template and live data. A user template is specific module and that is customized and reusable set by user such as, stock quote module, weather module, news module and displaying the most recent information to the appropriate portion and/or module with correct time and date for particular user (Nazem, col. 5, line 50 through col. 6, line 21, Fig. 5).

The Examiner equates the claimed **receiving by the client** to Nazem 's discloses obtaining the page from a page server via Internet, and Nazem's discloses a user template is specific module and that is customized and reusable set by user such as, stock quote module weather module, news module and displaying the most recent information to the appropriate portion and/or module with correct time and date for particular user is equivalent to the claimed **a modified version of one of the dynamic portion of the page.**

Nazem does not explicitly teach, **incorporating, by the client, the modified version of one of the dynamic portions into the transmitted page displayed on the client responsive to the modification list,** but Jeyaraman teaches this limitations. Specifically Jeyaraman discloses a system and method of propagating updates structured data under a push model to client comprising: (1) determining differences between the current version of the data at the server and an older copy of the data at the client, which the server has stored locally; (2) using

the differences to construct an update for the copy of the data, which may include node insertion and node deletion operations for hierarchically organized nodes in the data; and (3) sending the update to the client where the update is applied to the copy of the data to produce an updated copy of the data (Jeyaraman, col. 2, lines 50-55, Fig. 1).

Additionally Jeyaraman teaches, **and by an identifier specifying one of the plurality of the dynamic portions into the transmitted page to be replaced by the modified version of one of the dynamic portions**. Specifically Jeyaraman discloses a system and method of propagating updates structured data under a push model to client comprising: (1) determining differences between the current version of the data at the server and an older copy of the data at the client, which the server has stored locally; (2) using the differences to construct an update for the copy of the data, which may include node insertion and node deletion operations for hierarchically organized nodes in the data; and (3) sending the update to the client where the update is applied to the copy of the data to produce an updated copy of the data (Jeyaraman, col. 2, lines 50-55, Fig. 1).

The Examiner equates the claimed **the modification list** to Jeyaraman's discloses using the differences to construct an update for the copy of the data, which may include node insertion and node deletion operations for hierarchically organized nodes in the data.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the teaching of Nazem to provide dynamically generating content of a web document, to include a means of incorporating, by the client, the modified version of one of the dynamic portions into the transmitted page displayed on the client responsive to the modification list and by an identifier specifying one of the plurality of the

dynamic portions into the transmitted page to be replaced by the modified version of one of the dynamic portions of Jeyaraman's teaching. One of the ordinary skill in the art would have been motivated to perform such a modification, because Nazem and Jeyaraman are from the same field of endeavor of providing dynamically generating content of a web document wherein the updating can be performed at the client and to provide the efficient method to simply send the changes to data instead of sending a complete copy of the data to the client (as taught by Jeyaraman at col. 1, lines 45-50).

Regarding claim 11, the rejection of claim 1 is fully incorporated.

Regarding independent claim 15, the rejection of claim 1 is fully incorporated; in addition Nazem suggests **an external page code source.** For example Nazem discloses a custom page server (Nazem, col. 1, line 60 through col. 2, line 25).

The Examiner equates the claimed **an external page code source** to Nazem's discloses custom page server.

Regarding dependent claim 3, the rejection of claims 1 and 15 are fully incorporated.

Regarding dependent claims 4-6 and 9-10, the rejection of claim 1 is fully incorporated; in addition Nazem suggests **to copy a first portion of the transmitted page displayed on the client and inserting the copied first portion into a second portion, and moving a first portion of the transmitted page to a second portion**. For example Nazem discloses dynamic page generator, wherein the user front page retuned by page server includes plurality of elements which are build according to a user template and live data. A user template is specific module and that is customized and reusable set by user such as, stock quote module weather module, news module and displaying the most recent information to the appropriate portion and/or

module with correct time and date for particular user (Nazem, col. 5, line 50 through col. 6, line 21, Fig. 5).

Nazem does not explicitly teach **changing an identification tag association with the second portion from a first value associated with the copied first portion to a non-identical second value associated with the second portion,** but Jeyaraman teaches this limitation. Specifically Jeyaraman discloses a system and method of propagating updates structured data under a push model to client wherein data can be organized utilizing the Extensible Markup Language (XML) standard, Hypertext Markup Language (HTML) standard, and other markup language standards using notational semantics, wherein each node includes name (tag), value and can be move, swap, delete, copy, clear, and update (Jeyaraman, col. 18, lines 30-40).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the teaching of Nazem, to include a means of changing an identification tag association with the second portion from a first value associated with the copied first portion to a non-identical second value associated with the second portion of Jeyaraman's teaching. One of the ordinary skills in the art would have been motivated to perform such a modification, because Nazem and Jeyaraman are from the same field of endeavor of providing dynamically generating content of a web document wherein the updating can be performed at the client and to provide the efficient method to simply send the changes to data instead of sending a complete copy of the data to the client (as taught by Jeyaraman at col. 1, lines 45-50).

Regarding dependent claim 7, the rejection of claim 1 is fully incorporated; in addition Nazem suggests **saving the first portion in the storage buffer.** For example Nazem discloses a share memory for storing live data, i.e. first portion (Nazem at col. 3, lines 59-65).

Regarding dependent claim 8, the rejection of claim 1 is fully incorporated; in addition the Examiner reads the claimed **moving first portion of said transmitted page to a second portion within the modified portion said regenerated portion** as equivalent to **the modified version of one of the dynamic portions into the transmitted page displayed on the client responsive to the modification list** of claim 1 rejects above.

Regarding dependent claim 13, the rejection of claims 1 and 15 are fully incorporated.

Regarding dependent claims 14 and 17-18, the rejection of claims 1, 7 and 15 are fully incorporated.

(10) Response to Argument

Brief summary of prior art of record:

Nazem discloses dynamic page generator, wherein the user front page retuned by page server includes plurality of elements which are build according to a user template and live data. A user template is specific module and that is customized and reusable set by user such as, stock quote module weather module, news module and so on, wherein the live data being stored in a shared memory and intelligently flushed the older cache and regenerate for displaying the most recent information to the appropriate portion and/or module with correct time and date for particular user (Nazem, col. 5, line 50 through col. 6, line 21, Fig. 5). Additionally Nazem discloses a custom news page and displaying on a browser, which obtains the page from a page server via Internet item (Nazem, col. 2, lines 50-55, Fig. 1).

Jeyaraman discloses a system and method of propagating updates structured data under a push model to client wherein data can be organized utilizing the Extensible Markup Language (XML) standard, Hypertext Markup Language (HTML) standard, and other markup language standards using notational semantics, wherein each node includes name (tag), value and can be move, swap, delete, copy, clear, and update (Jeyaraman, col. 18, lines 30-40). Additionally Jeyaraman discloses propagating updates structured data under a push model to client comprising: (1) determining differences between the current version of the data at the server and an older copy of the data at the client, which the server has stored locally; (2) using the differences to construct an update for the copy of the data, which may include node insertion and node deletion operations for hierarchically organized nodes in the data; and (3) sending the update to the client where the update is applied to the copy of the data to produce an updated copy of the data (Jeyaraman, col. 2, lines 50-55, Fig. 1).

Appellant Arguments:

Beginning on page 10 of 16 of the appeal brief (hereinafter the brief), Appellant argues the following issues, which are accordingly addressed below.

Appellant argues on pages 10-16 of the of the brief that Nazem in combination with Jeyaraman do not teach:

(A) receiving, by the client, a modified version of one of the dynamic portions of the page and an identifier specifying one of the plurality of dynamic portions of the transmitted page to be replaced by the modified version of one of the dynamic portions.

(B) admitted by Examiner that Nazem fail to teach or suggest receiving, by the client, a modified version of one of the dynamic portions of the page and an identifier

specifying one of the plurality of dynamic portions of the transmitted page to be replaced by the modified version of one of the dynamic portions.

(C) the client does not implement any changes or modifications to the page, receiving instead pages in their entirely from server. Nor wood transmission of an operation to execute of a client to modify a client page improve the ability of a server to retrieve live data from others servers.

(D) fails to establish a prima facie case of obviousness.

Response to Arguments:

The appellant argues that **(A) receiving, by the client, a modified version of one of the dynamic portions of the page and an identifier specifying one of the plurality of dynamic portions of the transmitted page to be replaced by the modified version of one of the dynamic portions, because, (B) admitted by Examiner that Nazem fail to teach or suggest receiving, by the client, a modified version of one of the dynamic portions of the page and an identifier specifying one of the plurality of dynamic portions of the transmitted page to be replaced by the modified version of one of the dynamic portions and because states that it is inefficient for clients to receive new copies of modified data, as opposed to only the operations that generate, and would required changing the principle on which Jeyaraman** (brief pages 12-13).

The Examiner disagrees, to clarify, upon further review and consideration of Nazem, it is clear that Nazem equates the claimed **receiving by the client** to suggest displaying web page on a browser, wherein the page obtains from a page server item via Internet (Nazem, col. 2, lines 50-55, Fig. 1), and Nazem's discloses dynamic page retuned by page server to client

includes plurality of elements which are build according to a user template and live data in the server/client internet environment for displaying the most recent information to the appropriate portion and/or module with correct time and date for particular user is equivalent to the claimed **a modified version of one of the dynamic portion of the page** (Nazem, col. 5, line 50 through col. 6, line 21, Fig. 5).

Furthermore Nazem does not explicitly teach, **incorporating, by the client, the modified version of one of the dynamic portions into the transmitted page displayed on the client responsive to the modification list,** but Jeyaraman teaches this limitations.

Specifically Jeyaraman discloses a system and method of propagating updates structured data under a push model to client comprising: (1) determining differences between the current version of the data at the server and an older copy of the data at the client, which the server has stored locally; (2) using the differences to construct an update for the copy of the data, which may include node insertion and node deletion operations for hierarchically organized nodes in the data; and (3) sending the update to the client where the update is applied to the copy of the data to produce an updated copy of the data (Jeyaraman, col. 2, lines 50-55, Fig. 1).

Additionally the appellant argues that **(C) the client does not implement any changes or modifications to the page, receiving instead pages in their entirely from server, nor would transmission of an operation to execute of a client to modify a client page improve the ability of a server to retrieve live data from others servers.**

The Examiner disagrees, first, **a client page improve the ability of a server to retrieve live data from others servers** is not positively recited in the claim language.

To address appellant argument that **the client does not implement any changes or modifications to the page, receiving instead pages in their entirely from server, nor would transmission of an operation to execute of a client to modify,** the Examiner disagrees.

Specifically, Jeyaraman discloses a system and method of propagating updates structured data under a push model to client comprising: (1) determining differences between the current version of the data at the server and an older copy of the data at the client, which the server has stored locally; (2) using the differences to construct an update for the copy of the data, which may include node insertion and node deletion operations for hierarchically organized nodes in the data; and (3) sending the update to the client where the update is applied to the copy of the data to produce an updated copy of the data (Jeyaraman, col. 2, lines 50-55, Fig. 1).

Furthermore Jeyaraman discloses the updating process, wherein if a copy of data is stored in semiconductor memory within client, and hence applying update to the copy of the data involves fast memory operation instead of slower disk access operation and the original access data is allowed to proceed, so that user can view data on display. The process is repeated for successive accesses to the copy data on client (Jeyaraman, col. 6, lines 15-35, Fig. 3-4).

Additionally Nazem discloses dynamic page generator, wherein the user front page retuned by page server includes plurality of elements which are build according to a user template and live data. A user template is specific module and that is customized and reusable set by user such as, stock quote module weather module, news module and so on, wherein the live data being stored in a shared memory and intelligently flushed the older cache and regenerate for displaying the most recent information to the appropriate portion and/or module with correct time and date for particular user (Nazem, col. 5, line 50 through col. 6, line 21, Fig. 5).

Additionally Nazem discloses a custom news page and displaying on a browser, which obtains the page from a page server via Internet item (Nazem, col. 2, lines 50-55, Fig. 1).

Furthermore, Appellant argues that **(D) Nazem in combination with Jeyaraman fail to establish a prima facie case of obviousness.**

The Examiner disagrees, **Nazem** discloses dynamic page generator, wherein the user front page returned by page server includes plurality of elements which are build according to a user template and live data. A user template is specific module and that is customized and reusable set by user such as, stock quote module weather module, news module and so on, wherein the live data being stored in a shared memory and intelligently flushed the older cache and regenerate for displaying the most recent information to the appropriate portion and/or module with correct time and date for particular user (Nazem, col. 5, line 50 through col. 6, line 21, Fig. 5). Additionally Nazem discloses a custom news page and displaying on a browser, which obtains the page from a page server via Internet item (Nazem, col. 2, lines 50-55, Fig. 1).

And further in view of **Jeyaraman,** discloses a system and method of propagating updates structured data under a push model to client wherein data can be organized utilizing the Extensible Markup Language (XML) standard, Hypertext Markup Language (HTML) standard, and other markup language standards using notational semantics, wherein each node includes name (tag), value and can be move, swap, delete, copy, clear, and update (Jeyaraman, col. 18, lines 30-40). Additionally Jeyaraman discloses propagating updates structured data under a push model to client comprising: (1) determining differences between the current version of the data at the server and an older copy of the data at the client, which the server has stored locally; (2) using the differences to construct an update for the copy of the data, which may include node

insertion and node deletion operations for hierarchically organized nodes in the data; and (3) sending the update to the client where the update is applied to the copy of the data to produce an updated copy of the data (Jeyaraman, col. 2, lines 50-55, Fig. 1).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified teaching of Nazem, provides dynamically generating content of a web document, to include a means of incorporating, by the client, the modified version of one of the dynamic portions into the transmitted page displayed on the client responsive to the modification list and by an identifier specifying one of the plurality of the dynamic portions into the transmitted page to be replaced by the modified version of one of the dynamic portions of Jeyaraman's teaching. One of the ordinary skills in the art would have been motivated to perform such a modification, because Nazem and Jeyaraman are from the same field of endeavor of providing dynamically generating content of a web document wherein the updating can be performed at the client and to provide the efficient method to simply send the changes to data instead of sending a complete copy of the data to the client (as taught by Jeyaraman at col. 1, lines 45-50).

Therefore the Examiner respectfully maintains the rejection of 1, 3-11, 13-15 and 17-18, and should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Quoc A. Tran

12/05/2006

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